IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 10096 of 2007(B)

PETITIONER:

C.SANTHOSHKUMAR,AGED 39 YEARS,S/O.LATE SRI.CHELLAPPAN NADAR,RESIDING AT TC 11/1863, MULLASSERI LANE,NANTHANCODE,KOWDIAR P.O.

BY ADV. SRI.MOHAN JACOB GEORGE
SMT.P.V.PARVATHI
SMT.REENA THOMAS
SRI.TITUS THOMAS
SRI.L.RAM MOHAN

RESPONDENTS:
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1. CORPORATION OF TRIVANDRUM REPRESENETED BY ITS SECRETARY.

2. REVENUE OFFICER,CORPORATION OF TRIVANDRUM.

BY SRI.N.NANDAKUMARA MENON, SC, TRIVANDRUM CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS.C.KURIAKOSE .J

W.P.(C) No.10096 of 2007

Dated this the 23rd day of March 2007

JUDGMENT

It is seen that this writ petition is interalia filed for quashing Ext.P11 intimation from the corporation cancelling assessments of buildings put up by the petitioner on the reason that the buildings are unauthorised constructions. Mr. Mohan Jacob George counsel for the petitioner submits that Ext.P11 was not preceded by any hearing with notice to the petitioner at all. It is seen that subsequent to that intimation, the Corporation issued a provisional order (Ext.P8)wherein the petitioner has been directed to demolish the unauthorised construction within 7 days. It is obvious that Ext.P11 is issued in violation of principles of natural justice. Ext.P11 is quashed on that reason alone .

The writ petition is disposed of directing the Corporation to receive objections and to consider the objections if any already received from the petitioner and to take a decision in the issue. The decision as directed above will be taken by the Corporation, considering the contentions covered by Ext.P9, at the earliest at any rate within six weeks of receiving a copy of this judgment.

PIUS.C.KURIAKOSE .JUDGE

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